

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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REICH, *et al.*,

Plaintiffs,

ORDER

-against-

21 Civ. 9327 (AEK)

CASABELLA LANDSCAPING OF NY, INC., *et al.*,

Defendants.

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THE HONORABLE ANDREW E. KRAUSE, U.S.M.J.

Pursuant to the Court's order issued on April 21, 2023, by June 1, 2023, Defendant Casabella Landscaping of NY, Inc. ("Casabella Landscaping") was either to retain new counsel or seek an extension of time in which to do so. *See* ECF No. 82. To date, no notice of appearance has been filed by new counsel for Casabella Landscaping, nor has Casabella Landscaping sought an extension of time in which to retain new counsel. The Court held a status conference on June 8, 2023; no attorney appeared at the conference on behalf of Casabella Landscaping, nor did any corporate representative of Casabella Landscaping appear to provide any other update regarding the company's effort to find counsel.

Accordingly, as stated on the record at the June 8, 2023 status conference, Plaintiffs may seek entry of a default judgment against Casabella Landscaping using the following procedures:

1. Prepare a proposed Order to Show Cause for default judgment and make the Order returnable before Magistrate Judge Andrew E. Krause in Courtroom 250 of the United States Courthouse, 300 Quarropas Street, White Plains, New York. Leave blanks for the Court to fill in: (i) the date and time at which the Order to Show Cause will be heard; (ii) the date by which the moving party must serve the Order to Show Cause and supporting documents on the non-moving party; and (iii) the date by which the non-moving party must file opposition papers.

2. The following documents must accompany the Order to Show Cause:

A. an attorney's affidavit or declaration:

1. attaching:

- a) copies of the pleadings; and
- b) a copy of the affidavit of service of the original summons and complaint;

and

2. setting forth:

- a) why a default judgment is appropriate;
- b) the proposed statement of damages and the basis for each element of damages including interest, attorney's fees, and costs; and
- c) legal authority for why an inquest would be unnecessary (if applicable);

B. a proposed default judgment, including damage and interest calculations;

- 3. Electronically file the proposed Order to Show Cause using the filing event PROPOSED ORDERS and the document PROPOSED ORDER TO SHOW CAUSE WITHOUT EMERGENCY RELIEF. Electronically file the following documents as separate ECF filing events: (i) the attorney's AFFIDAVIT or DECLARATION in support; and (ii) the PROPOSED DEFAULT JUDGMENT using the filing event found under PROPOSED ORDERS.
- 4. After Magistrate Judge Krause signs the Order to Show Cause, it will be docketed. The moving party must then serve a copy of the Order to Show Cause, and the supporting documents, on the defendant as directed in the Order to Show Cause.
- 5. Proof of service on the potentially defaulting defendant of a copy of the Order to Show Cause and supporting documents must be electronically filed three (3) business days in advance of the return date.

The Order to Show Cause is to be filed **by no later than July 11, 2023.**

Dated: June 8, 2023
White Plains, New York

SO ORDERED.



ANDREW E. KRAUSE
United States Magistrate Judge